

# COUNCIL ON FOREIGN RELATIONS

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## **Summary: A Symposium on Human Trafficking**

The Council of Foreign Relations' Women and U.S. Foreign Policy Program convened a symposium on human trafficking, cosponsored by the Global Fund for Women. "Human trafficking cuts across many of the most pressing international issues of our time, such as immigration, global health, peacekeeping operations, and the illegal trade in weapons and narcotics. It's only beginning to get the attention it deserves at the highest policy levels," said Council President **Richard N. Haass**.

Internationally, human trafficking is the fastest growing illicit trade. According to the State Department's 2005 *Trafficking in Persons* (TIP) report, there are 12.3 million people worldwide who have been trafficked into forced labor, the sex trade, and child labor. Every year, approximately 600,000 to 800,000 people are trafficked across national borders, although panelists agreed that more and better research is required to truly measure the scope of this problem.

The symposium's three sessions explored the social, political, and economic factors that underlie human trafficking; the links between international peacekeeping and trafficking; how trafficking intersects with public health issues; and the U.S. government's policy responses to trafficking.

### **Highlights included:**

#### ***Scope of the problem:***

- Trafficking should not be labeled simply as a "women's issue"; it affects a wide range of people, regardless of gender, age, ethnicity, or citizenship status.
- Trafficking is only one component in the broader spectrum of exploitation. While international attention to trafficking is vital, additional consideration must be given to exploitation beyond trafficking.
- The conflation of human trafficking with sex trafficking is both incorrect and dangerous, taking needed attention away from other kinds of trafficking (such as forced labor, bonded labor, and slavery-like working conditions).
- The supply and demand issues that underpin human trafficking—including failed states, weak economies, restrictive immigration policies, and global labor

demands—need to be fully taken into consideration in order to make anti-trafficking programming and policies effective.

***Connections to prostitution:***

- Experts disagree on the relationship between trafficking and prostitution. “Abolitionists” are committed to eliminating prostitution, while others believe regulating the sex trade and collaborating with sex workers on anti-trafficking measures is a more effective approach to combat trafficking.
- Controversy also surrounds Congress’ Trafficking Victims Protection Reauthorization Act (TVPRA) of 2003, which prohibits the use of State Department anti-trafficking funds to any organization that promotes, supports, or advocates the legalization or practice of prostitution. Several panelists asserted that this definition is unclear, creating funding vulnerabilities for those involved in multiple anti-trafficking programs. Additionally, some argued that the TVPRA prevents human rights and public health nongovernmental organizations (NGOs) from comprehensively serving all trafficking victims, and that this aspect of the TVPRA should be reevaluated and possibly even repealed.
- All panelists agreed that anti-trafficking efforts would benefit from moving beyond divisive debates on whether sex work is a form of labor or whether prostitution should be legalized.
- While there have been important collaborative efforts between faith-based and human rights NGOs to fight trafficking deep disagreements over the prostitution issue undermine the potential for further collaboration.

***Criticism of anti-trafficking legislation:***

- Increased international attention to trafficking in recent years has raised awareness of the issue and generated significant legislation, such as Congress’ Trafficking Victims Protection Act (TVPA) of 2000. Yet experts agreed that much more remains to be done.
- Some experts noted that the TVPA has had both positive and negative consequences: some countries have examined how their population’s migration patterns relate to trafficking, while other countries have responded by overemphasizing the criminalization of trafficking at the expense of victims’ protection.
- Similarly, the TIP report’s tiered ranking system has motivated some countries to address their trafficking problems constructively, while others have implemented hastily designed anti-trafficking laws that have had negative consequences. Panelists urged that laws created in response to the report need fair and thorough impact assessment reviews. The identification and prosecution of traffickers under these new laws must be closely monitored for due legal process and fair sentencing.

- New legislation should be created to require increased education and training about human trafficking for U.S. immigration and FBI officials.
- Diplomatic immunity should not be allowed as a defense in cases involving the enslavement of domestic workers employed by individuals working for embassies or organizations such as the UN.

***Links to security and peacekeeping:***

- The relationship between trafficking and security forces deserves much more attention. The UN, NATO, U.S. Department of Defense (DOD), and militaries worldwide need to seriously address the increase in trafficking of women that occurs in the presence of security and peacekeeping forces. Ignoring these human rights abuses severely undermines the credibility of security and peacekeeping missions.
- Legislative efforts to address these links have been stymied. The DOD, with a bigger budget than both UN peacekeeping divisions and NATO, should be called upon to implement their existing policy in a comprehensive manner, including prosecuting defense contractors engaged in any form of human trafficking.
- Countries should be closely monitored and held publicly accountable for the involvement of their security and peacekeeping forces in human trafficking. Existing legislation—such as the Military Extraterritorial Jurisdiction Act (MEJA) of 2000 that allows the prosecution of Defense Department employees involved in criminal activities—needs to be implemented and enforced. In states or organizations where similar legislation does not exist, it must be created.

***Need for additional research:***

- More research and improved methodologies are necessary. Accurate statistics are essential to focus resources in the most effective ways and provide useful services to trafficked individuals. Without reliable data, human trafficking risks being perceived as a sensationalized and exaggerated issue.
- Further research exploring the links between organized crime, trafficking of weapons and drugs, and human trafficking is also necessary.

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